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ABSTRACT

Today's need is for instituting in American schools an enlarged and improved program of youth education in the fundamentals of law and in the responsibilities of leadership in a free society. Curriculum should be revitalized to present the real meaning of citizenship. Partly due to the adult society's disrespect for law, adult hypocrisy, and lack of educational programs, youth have not been prepared for orderly, democratic changes, for participation in a changing, free society, and for acceptance of responsible leadership. Because disobedience of the law is disastrous to a nation, the American Bar Association aims to improve citizenship through programs to train teachers and present strengthened law education to students. The program deserves nationwide attention. (Author/DW)

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ADDRESS OF LEON JAWORSKI TO THE SIXTH GENERAL SESSION OF THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS' CONVENTION, DALLAS, TEXAS, 2:30 P.M., MONDAY, FEBRUARY 24, 1975

LEADERSHIP IN CITIZENSHIP

I confess to great gratification in having an audience more significant, in my view, for the particular message I wish to bring than any that could be assembled. For if you agree with the thrust of what I will lay before you, I feel confident you will act upon it, and if you do, our society will be the beneficiary of a great and noble public service.

There is only one way to approach this subject and that is to engage in plain and unmistakeable talk. And above all else, in bringing my message, I want to refrain from emulating an old legislator in a rural section of this State who, running for re-election during the prohibition era, was confronted by the local newspaper editor with the pungent inquiry: How do you stand on the subject of whiskey?

(ANECDOTE)

Let me get to the point of my subject without prologue. There is great need today for instituting in our schools throughout our country an enlarged and improved program of youth education in the fundamentals of law in a free society and in the responsibilities of leadership.

We call on our young people for greater activity in undergirding our institutions of government; we give them

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greater responsibilities

greater responsibilities at an earlier age than in generations past, but are we fair to them and to society in these respects unless we also prepare them with the knowledge and the understanding necessary to discharge these obligations? The theme of Law Day, U.S.A., this past year called on "Young America" to "Lead the Way" in regard to the changing of bad laws, the preservation of good laws, and the making of better laws. So far so good, yet how is this mandate to be executed unless there is present the ability to differentiate between good and bad laws? Whatever changes are made must be within the framework of law as it applies to our constitutional form of government, and if the basic principles that pertain to them are not thoroughly comprehended, the wrong course is likely to result. To discharge this duty of preparing our young people for the tasks that will be theirs, we must obtain in our schools, beginning as early as the elementary grades, a revitalized curriculum of education in the real meaning of citizenship.

We have experienced in almost all parts of the United States what can only be described as a breakdown in the teaching of the root principles of law in a free society. In saying that, I am not blaming the education system, per se. It has been due to a joint failure of institutions responsible for the maintenance of our free society, including the legal profession. We have not paid sufficient attention to what we now realize is a very basic component of preparing our youth for lives of constructive participation in a

participation in a changing society; we have failed to impress upon the very young how the law functions to protect individual rights -- how it provides for orderly, democratic change; what the difference is between dissent and violent protest; why individual rights must be balanced with individual responsibility to the total society.

The consequences of deterioration and neglect in this area became increasingly apparent in the 1960's. The stark fact of our experience during the past decade has been the prevalence of disorder. The disorder has been not only physical and material, but as well, moral and philosophical -- witness the studied indifference to the rights of others and the almost equally complete lack of elementary self-respect that is so casually displayed all about us. Older members of society, some in leadership positions, have contributed to these conditions by failures and illegalities, and as well by an attitude of indifference.

The President's Commission on Law Enforcement and the Administration of Justice, commonly referred to as the President's Crime Commission, on which I was privileged to serve, found that there was a direct correlation between the incidents of violence in the 1960's and the declining emphasis in recent decades on the obligations of citizenship. In the words of the Commission, "unless society does take concerted action to change the general conditions and attitudes that are associated with crime, no improvement in law enforcement and administration of justice . . . will be of much avail."

will be of much avail." This places at least a part of the onus for the deplorable conditions that exist, not on the judges and the lawyers -- as some are wont to do -- but on the average citizen. It places a part of the burden on the citizen who sits in his chair and pontificates about the responsibilities of the judge, the lawyer, the law enforcement officer, and not once pauses to contemplate his own. Let's be quite frank about assessing the causes. As early as 429 B.C., when Athens was at its highest intellectual state, the statesman Pericles put it this way: "We alone regard a man who takes no part in public affairs not as a harmless but a useless character." I don't mean that in today's world everyone can be a legislator or a public leader. But everyone can make his individual views known and lend his personal influence to causes in which he believes. And the least that we can do is to join in assisting the younger generation in being equipped to come to grips with problems we left to them for solution. Courses in the schools in the once familiar subject area of "civics" more often than not are inadequate to the interests of today's young people. In an era of profound evolutionary change in American life, we have failed to impress upon children at a receptive age why a free people must rely upon law and its institutions in their relationships.

The two years of almost undivided attention I was privileged to give to the organized profession of law as President-Elect, then President of the

President of the American Bar Association, had its rewards as well as its labors. If today I were to classify the dividends that flowed my way during this period, I would accord a high, if not the highest, value to the experience of working with two groups within the American Bar Association, namely, the Law Student Division, composed of students still in law schools, and the Young Lawyers Section, composed of those members of the bar under the age of 35. When first I entered the office of President-Elect, I looked somewhat askance at some of the goals and ambitions of both of these groups. I felt an uneasiness -- even had misgivings regarding their eagerness to unsheathe the sword and enter areas of activity which traditionally had been left to the judgment and to the handling of those more mature in age and experience. As I followed more closely their plans and programs, I developed a correspondingly greater respect for their dedication as well as for a number of their objectives. This is not to say that I agreed with all of their resolves and aims. It is to say I no longer doubted their earnestness and sincerity of purpose. The stubborn truth is that all too many of the older members of the profession -- as well as of the citizenry at large -- had been apathetic and had too long disregarded some of the conditions that should have received remedial attention.

So many of us have chided the youth of today for attitudes of disrespect we charge to be foreign to those of earlier generations. I think most of us would agree that the rigid expectation

 of undeviating conformity

of undeviating conformity to law, once a teaching as a part of family mores, is no longer stressed in most homes and seldom mentioned in other places. I believe that almost as many of us would agree that this has left its adverse impact on the young. But are these the only factors that have spawned the current attitudes we are so quick to deplore?

I don't think so. Candid self-examination should cause us to recognize other causes as well. I happen to be one of those who believes that disobediences of law of all types and varieties, particularly those involving the defiance of court orders, constitute the greatest curse visited on our nation in this century in the maintenance of an ordered society. A majority of the members of the National Violence Commission put it in these words:

> "In our democratic society, lawlessness cannot be justified on the grounds of individual belief . . . If personal or group selectivity of laws to be obeyed is to be the yardstick, we shall face nationwide disobedience of many laws and thus anarchy."

Now let me quote what the entire Commission said, a Commission composed of Republicans and Democrats, of whites and blacks, of lawyers and laymen:

> "There is every reason to believe that the lesson taught by much of the current disobedience to law is disastrous

to law is disastrous from the standpoint of the maintenance of a democratic society."

Finally, this Commission warned:

"We believe, however, that candid examination of what is occurring in the United States today will lead to the conclusion that disobedience to valid law as a tactic of protest by discontented groups is not contributing to the emergence of a more liberal and humane society, but is, on the contrary producing an opposite tendency."

None has spoken more dramatically on the subject than did Abraham Lincoln a century ago when, recognizing how indespensable is reliance upon law to the greatness of a nation, he made this stirring appeal:

"Let reverence for the laws be breathed by every American mother . . . Let it be taught in schools, in seminaries, and in colleges; let it be written in primers and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. In short, let it become the political religion of the nation."

In my year as president of the American Bar Association, I received more letters from friends and strangers alike deploring the sordid example of white collar crime than any other form of criminal conduct

form of criminal conduct -- largely because such offenses so often were committed by individuals in places of leadership and trust.

All of this simply adds up to the conclusion that there is housecleaning to be done in the ranks of the old before we should expect a marked change in the attitude of the young.

Quoting again from the report of the President's Crime Commission, we find this warning:

> "...[N]o system, however well staffed or organized, no level of material well-being for all will rid a society of crime if there is not a widespread belief that by and large the government and the social order deserve credence, respect and loyalty."

One of the great misfortunes of today's relationship between the older and younger generations is the failure to take the time and make the effort to engage in constructive dialogue -- the use of logic and reason and the experiences of history. Entirely too quick are we to regard the comments of our teenagers as the utterances of upstarts -- entirely too impatient are we in evidencing a lack of appreciation of their views on issues of real concern to them. The simple truth is that all too many of the older generation have failed and failed dismally in one of the greatest privileges of the home -- that of visiting objectively with the younger members of the family -- to ascertain their concerns

to ascertain their concerns and their questions about the functioning of our free society -- to weigh the basis of their doubts and to engage in calm and reasonable discussion with them. Instead, many younger members of families have had to listen to sanctimonious pontificating by their elders, whose dictates and dogmas frequently induced dissillusioned and rebellious reactions. Now don't misunderstand me, I am a firm believer in the administration of strict discipline, but I believe as firmly that the disciplinarian should so demean himself as to be entitled to the respect of the disciplined.

Then, too, if we are to face the situation with candor, we must admit that the hypocrisy that is part of the daily lives of so many of us has produced a natural reaction of disregard and disrespect on the part of the young. They are sophisticated in the main, more so than many of us realize, and they spot phony comments and spurious conduct much faster than many of us assume. They recognize the futility and meaninglessness of platitudes -- they seek sincerity in words and action.

If I may go one step further -- let it never be forgotten that they recognize the failures in some of the workings of the processes of our society. To deny these is but to emphasize to the young that we hold fast to the old regardless of its shortcomings, and that we lack the frankness and forthrightness to acknowledge the latter. This is enough to break down all confidence in communication. In those instances where we have failed or are failing, our position -- the only position -- should be to acknowledge what is a fact and then to demonstrate a readiness to aid in bringing

 about constructive change.

about constructive change. Beyond that, old and young alike must bear in mind the words of one of the world's greatest statesmen of all times, Winston Churchill, that "democracy is probably the worst form of government ever devised by man, except for all of the others that have from time to time been tried." In a democracy, the young must be taught that the process of change often is slow but it comes without the loss of precious freedoms. A dictatorship brings about changes overnight, by means of a simple edict, accompanied by the loss of every freedom as we daily know them and enjoy them.

We devote unlimited energies and huge budgets to the development of faster means of transportation in the air and on the ground and on the sea -- to the exploration of the oceans and the moon -- and to the advancement of technology in so many of our areas of endeavor. I do not quarrel with the value of these undertakings, except to pose this question: Wherein do we strengthen our society by our successes in these directions while failing to undergird the generation of young with a sense of pride and appreciation in what is theirs and a resolve to preserve it for themselves and succeeding generations?

We have fared well indeed, yes, prospered for almost two centuries under our present basic system of government. It is a part of our responsibility to make certain that our young people understand what is at stake if our democratic institutions give way to other processes of government.

The French scholar and philosopher, De Tocqueville, in his prolonged studies of American democracy and our institutions, referred with unbounded admiration to the greatness and genius of our country. He concluded that America was great because America was good -- especially in a sense of morality and in respecting laws and the rights of fellowman. But this greatness is not self-perpetuating. It can vanish much faster than the time that it took to win it. Are these not truisms that need to be imparted to our young? And is not the most fundamental of these that obedience to the rule of law is indispensable to a free and ordered society?

There is in progress now a movement sponsored by the American Bar Association which is well under way in some of our nation's localities, designed to cope with this need. I hope that you will embrace it -- take it home with you and make certain that it becomes a part of the life of your community. Its aim is to improve and extend educational programs in law and in our democratic processes in our primary and secondary schools.

In the words of the American Bar Association's Special Committee on Youth Education for Citizenship:

> "It is not our intention to make every student a lawyer. It is rather to help use the substance and process of law as vehicles by which students and their teachers can 'examine new facts in the light of old principles, and evaluate old principles in light of new facts.'

> of new facts.' Our goal is to see that law is taught systematically in our schools at all levels. All of our efforts are directed at developing inter-disciplinary programs in law-related education. We work with lawyers, representatives of the justice system, educational administrators, teachers and parents. Each of these groups must support and participate in effective programs. Soon, we hope an elementary or secondary school without courses in law will be as rare as a school today without courses in mathematics."

This entire mission -- which is to bring about a nation-wide rejuvenation of this area of youth education -- will fail unless a large proportion of the community leaders interest themselves in the enterprise and bring their combined influence to bear on it. But educators must develop an equally dedicated interest. And it must be a sustained interest because it is a task that connot be accomplished overnight.

Contemplate with me, if you will, what it would cost our government to conduct this program by using paid instructors and other personnel and to install offices throughout the country from which to conduct such programs nationwide. The cost would be well-nigh prohibitive -- whereas, local and state bar associations have the built-in facilities to enable them to carry it on at relatively low cost.

relatively low cost. Besides, I would feel safer about it when the advisory function is in the hands of local community leaders working with members of the bar.

What has been brought to bear in this very city, in which you meet, by school authorities and members of the Dallas Bar Association, working in tandem, is a brilliant illustration of what can be accomplished. Justin Stanley, present chairman of the American Bar Association's Special Committee on Youth Education for Citizenship, recently described the accomplishment in these words:

> "Of course, every bar association that has become involved in law studies in the schools has found its own way to serve, and programs vary - as they should - to meet the particular needs and interests of communities. Thus, while no program can be considered 'typical,' I believe that the efforts of the Dallas Bar Association in this field provide a good example of the full range of services that a bar association can provide.
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> "Initially, several members of the Dallas Bar Association became interested in law-related education. They researched civic education programs in the Dallas schools, considered ways in which law studies could help, and convinced other members of the bar of the need for improved education in Dallas schools. The Dallas Bar Association then set up a local youth education committee. The committee drew up a draft proposal for a program of

law studies in Dallas schools and presented the proposal to the superintendent of schools. From this meeting came a joint committee of educators and lawyers. This committee drew up a formal proposal, secured a grant from the Texas Criminal Justice Council, and employed a full-time project director.

"Members of the bar helped implement the project. They served on advisory committees of the project, helped secure support from the organized bar and other community groups, helped develop the curriculum, and arranged for lawyers to serve as instructors for teachers in staff development training programs. The resulting project - Law in a Changing Society - has proved successful. In its first year, seven teachers were trained, and they in turn taught 500 students. Now 273 teachers have been trained, and more than 25,000 students are now receiving law-related education. The project is supported by the Dallas school system, and there are plans to expand it to every classroom at every grade level."

Then Mr. Stanley made this observation:

"A substantial number of these projects have been materially aided by state and local bar associations. Indeed, experience throughout the country has shown

 that law-related education projec

that law-related education projects succeed best when lawyers and educators work together, sharing their expertise."

There are a number of other achievements in this field of endeavor in California, Illinois and other places - but far too few as yet. The effort must be nation-wide so that the results will benefit not merely isolated spots but the country at large.

In recent times, men in high places have acknowledged their involvement in official wrongdoing and have admitted breaches of sacred trusts reposed in them. Tragic as these events are, it must not be overlooked that there are legions of men and women in public service who are serving honorably and faithfully our institutions of government. In a real sense they are the unsung peace-time heroes of America's greatness at this hour. It would be tragic indeed if their contributions to the building of our society were not fully recognized and appreciated. And as for the line of succession, indoctrinations in good citizenship at an early age will enable oncoming generations to carry forward the work that must be done to assure that America will continue to be great. If this obligation is not discharged, history will surely record our failure.

Inasmuch as we will celebrate soon the bicentennial of our nation, whose constitutional form of government through law is recognized to be a triumph over the despotism and individual repression of authoritarian forms,

repression of authoritarian forms, the time to foster this program seems especially propitious. And let us ever remember the words of the English Prime Minister Disraeli: "The youth of a nation are the trustees of posterity."